

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

LINDA METCALF, et al.,

Plaintiffs,

v.

MERRILL LYNCH, PIERCE,
FENNER & SMITH, INC., et al.,

Defendants.

No. 4:11-CV-00127

(Judge Brann)

(Chief Magistrate Judge Schwab)

ORDER

NOVEMBER 15, 2018

On October 31, 2018, Chief Magistrate Judge Susan E. Schwab issued a Report and Recommendation, ECF No. 254, recommending that this Court sanction Plaintiffs' counsel Maxwell S. Kennerly in the amount of \$22,510.50. Mr. Kennerly did not object to that recommendation.

This Court has reviewed the Report and Recommendation and finds that "there is no clear error on the face of the record"¹ and that the sanctions are justified for the reasons stated by Chief Magistrate Judge Schwab. Therefore, **IT IS HEREBY ORDERED** that:

1. Chief Magistrate Judge Schwab's Report and Recommendation, ECF No. 254, is **ADOPTED IN ITS ENTIRETY**.

¹ *Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010).

2. Mr. Kennerly **SHALL PAY** Defendants' counsel fees in the amount of \$22,510.50.
3. The Motion to Withdraw as Counsel filed by Kimberly Spangler-Loutey, ECF No. 255, is **GRANTED**.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge